

Amendment No. 2 to HB0976

**Kisber
Signature of Sponsor**

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 93*

House Bill No. 976

by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-222(a), is amended by deleting item (20) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-223(a), is amended by adding a new item thereto, as follows:

() Health facilities commission, created by Section 68-11-104;

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 11, Part 1, is amended by adding the following appropriately designated new section:

Section 68-11-126.

(a) Any person who lobbies the commission or commission staff shall register as a lobbyist and shall comply with the provisions of title 3, chapter 6. For purposes of this section, "lobby" and "lobbyist" shall have the same meaning as provided in Section 3-6-102.

(b)

(1) Commission members shall not, except at commission meetings, communicate, directly or indirectly, with an interested person or lobbyist regarding the merits or substance of a pending certificate of need application or any matter that such person knows or should know will be brought before the commission at a future meeting.

(2) No interested person or lobbyist may, except at commission meetings, communicate, directly or indirectly, with a commission member regarding the merits or substance of a pending certificate of need application or any matter that

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such person knows or should know will be brought before the commission at a future meeting.

(3) For purposes of this subsection, an "interested person" is any person with a financial, proprietary, equitable or other interest in a certificate of need application pending before the health facilities commission.

(4) Nothing in this subsection shall preclude a commission member from discussing with any person general public policy matters relating to commission activities.

(5) Nothing in this act shall prevent communication among commission members and the commission staff.

(c) Each commission member shall file a public statement, quarterly, beginning October 1, 2001, listing all actual or attempted communications which are in violation of the provisions of subsection (b). This statement shall include the name of the person or entity making or attempting the communication, the matter or matters involved, the person or entity on whose behalf the communication or attempted communication was made, and the commission member who received the communication or to whom the attempted communication was directed.

SECTION 4. Tennessee Code Annotated, Section 68-11-108(b), is amended by inserting the following between the second and third sentences:

Additionally, in making determinations to grant or deny a petition, the commission shall take into consideration the applicant's participation in the TennCare program.

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SECTION 5. There is hereby created a study group to review the structure and responsibilities of the Health Facilities Commission. The review should include but not be limited to: the composition and appointment process of commission members; the effectiveness of the commission in guiding the state health plan; the authority and responsibility of the commission, the department of health and the department of mental health and developmental disabilities pertaining to applications for certificates of need; the role the commission should play in relation to TennCare; and the role the commission should play in establishing and overseeing the state health plan. The study group shall be composed of four (4) individuals designated by the governor, two (2) individuals designated by the speaker of the senate and two (2) individuals designated by the speaker of the house, as they may determine. It is the intent that the results of the review provided for in this section shall be completed by January 1, 2002 and shall become the basis for legislation aimed at strengthening the Tennessee state health plan and the Health Facilities Commission. The office of the comptroller of the treasury, the department of health, the department of mental health and developmental disabilities, the department of finance and administration shall provide staff resources to the study group as may be requested.

SECTION 6. The provisions of this act shall take effect upon becoming a law, the public welfare requiring it.